

Steven C. Vondran, [SBN 232337]
THE LAW OFFICES OF STEVEN C. VONDRAN, PC
602 Newport Center Drive, Suite 1100
Newport Beach, California 92660
Telephone: (877) 276-5084
Facsimile: (888) 551-2252
steve@vondranlegal.com

Attorney for IP ADDRESS 98.208.18.90

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

STRIKE 3 HOLDINGS, LLC.

Plaintiff,

vs.

John Doe subscriber assigned IP
address 98.208.18.90

Defendants.

No. 2:24-cv-00896-TLN-CKD

**ANSWER AND AFFIRMATIVE
DEFENSES TO FIRST AMENDED
COMPLAINT**

John Doe Defendant IP address 98.208.18.90 ("DEFENDANT") submits this Answer to the First Amended Complaint ("FAC") filed by STRIKE 3 HOLDINGS, LLC. In response to the FAC, defendants answer and allege as follows:

1. Defendant lacks sufficient knowledge and on that basis denies the allegations in Paragraph 1
2. Defendant lacks sufficient knowledge and on that basis denies the allegations in Paragraph 2
3. Defendant lacks sufficient knowledge and on that basis denies the allegation in paragraph 3.

1 4. Defendant denies

2 5. Defendant denies any “theft by infringement”

3
4 6. Defendant lacks sufficient knowledge and on that basis denies the
5 allegation in paragraph 6.

6 7. Admit

7
8 8. Admit

9 9. Admit

10 10. Admit

11
12 11. Defendant lacks sufficient knowledge and on that basis denies the
13 allegation in paragraph 11.

14 12. Admit

15
16 13. Defendant lacks sufficient knowledge and on that basis denies the
17 allegation in paragraph 13

18 14. Defendant lacks sufficient knowledge and on that basis denies the
19 allegation in paragraph 14

20
21 15. Defendant lacks sufficient knowledge and on that basis denies the
22 allegation in paragraph 15

23
24 16. Defendant lacks sufficient knowledge and on that basis denies the
25 allegation in paragraph 16

26 17. Admit

27
28 18. Defendant lacks sufficient knowledge and on that basis denies the

1 allegation in paragraph 18.

2 19.Defendant lacks sufficient knowledge and on that basis denies the
3 allegation in paragraph 19.
4

5 20.Defendant lacks sufficient knowledge and on that basis denies the
6 allegation in paragraph 20.
7

8 21.Defendant lacks sufficient knowledge and on that basis denies the
9 allegation in paragraph 21.

10 22.Defendant lacks sufficient knowledge and on that basis denies the
11 allegation in paragraph 22.
12

13 23.Defendant lacks sufficient knowledge and on that basis denies the
14 allegation in paragraph 23.
15

16 24.Defendant lacks sufficient knowledge and on that basis denies the
17 allegation in paragraph 24.

18 25.Defendant lacks sufficient knowledge and on that basis denies the
19 allegation in paragraph 25
20

21 26.Defendant lacks sufficient knowledge and on that basis denies the
22 allegation in paragraph 26.
23

24 27.Defendant lacks sufficient knowledge and on that basis denies the
25 allegation in paragraph 27.

26 28.Defendant lacks sufficient knowledge and on that basis denies the
27 allegation in paragraph 28.
28

1 29. Defendant lacks sufficient knowledge and on that basis denies the
2 allegation in paragraph 29.

3
4 30. Defendant lacks sufficient knowledge and on that basis denies the
5 allegation in paragraph 30.

6
7 31. Defendant lacks sufficient knowledge and on that basis denies the
8 allegation in paragraph 31.

9
10 32. Defendant lacks sufficient knowledge and on that basis denies the
11 allegation in paragraph 32

12
13 33. Defendant lacks sufficient knowledge and on that basis denies the
14 allegation in paragraph 33.

15
16 34. Defendant lacks sufficient knowledge and on that basis denies the
17 allegation in paragraph 34.

18
19 35. Defendant lacks sufficient knowledge and on that basis denies the
20 allegation in paragraph 35

21
22 36. Defendant lacks sufficient knowledge and on that basis denies the
23 allegation in paragraph 36

24
25 37. Defendant lacks sufficient knowledge and on that basis denies the
26 allegation in paragraph 37.

27
28 38. Defendant lacks sufficient knowledge and on that basis denies the
allegation in paragraph 38.

39. Defendant lacks sufficient knowledge and on that basis denies the

1 allegation in paragraph 39.

2 40. Defendant lacks sufficient knowledge and on that basis denies the
3 allegation in paragraph 40.
4

5 41. Defendant lacks sufficient knowledge and on that basis denies the
6 allegation in paragraph 41.
7

8 42. Defendant lacks sufficient knowledge and on that basis denies the
9 allegation in paragraph 42.

10 43. Denied

11 44. Denied

12
13 45. Defendant lacks sufficient knowledge and on that basis denies the
14 allegation in paragraph 45
15

16 46. Defendant lacks sufficient knowledge and on that basis denies the
17 allegation in paragraph 46 and denies Plaintiff is entitled to any relief.

18 47. Defendant lacks sufficient knowledge and on that basis denies the
19 allegation in paragraph 47 and denies Plaintiff is entitled to any relief.
20

21 48. Defendant lacks sufficient knowledge and on that basis denies the
22 allegation in paragraph 48.
23

24 49. Defendant lacks sufficient knowledge and on that basis denies the
25 allegation in paragraph 49.

26 50. Defendant lacks sufficient knowledge and on that basis denies the
27 allegation in paragraph 50.
28

1 51. Defendant lacks sufficient knowledge and on that basis denies the
2 allegation in paragraph 51.

3
4 52. Defendant lacks sufficient knowledge and on that basis denies the
5 allegation in paragraph 52.

6 53. Admit

7
8 54. Defendant lacks sufficient knowledge and on that basis denies the
9 allegation in paragraph 54.

10 55. Admit

11
12 56. Defendant lacks sufficient knowledge and on that basis denies the
13 allegation in paragraph 56.

14
15 57. Defendant lacks sufficient knowledge and on that basis denies the
16 allegation in paragraph 57.

17
18 58. Defendant lacks sufficient knowledge and on that basis denies the
19 allegation in paragraph 58.

20
21 59. Defendant lacks sufficient knowledge and on that basis denies the
22 allegation in paragraph 59.

23
24 60. Defendant lacks sufficient knowledge and on that basis denies the
25 allegation in paragraph 60.

26
27 61. Defendant lacks sufficient knowledge and on that basis denies the
28 allegation in paragraph 61.

62. Defendant lacks sufficient knowledge and on that basis denies the

1 allegation in paragraph 62. including paragraphs (A)-(C).

2 63.Defendant lacks sufficient knowledge and on that basis denies the
3 allegation in paragraph 63. including paragraphs (A)-(C).
4

5 64.N/A

6 65.Defendant lacks sufficient knowledge and on that basis denies the
7 allegation in paragraph 65.
8

9 66. Denied

10 67.Defendant lacks sufficient knowledge and on that basis denies the
11 allegation in paragraph 67.
12

13 68.Denied as to each (A)-(D).

14 69.Denied as to (A)-(F)

15
16 Defendant denies liability and denies that Plaintiff is entitled to any relief
17 against him. Defendant seeks a jury trial and attorney fees and costs under the
18 copyright law and a declaratory judgment finding of non-infringement.
19
20
21
22
23
24
25
26
27
28

Further, Defendant asserts the following affirmative defenses:

FIRST AFFIRMATIVE DEFENSE

(Failure to State a Claim)

1. Defendants allege that each cause of action in the Complaint fails to state a claim upon which relief may be granted against these answering defendants.

SECOND AFFIRMATIVE DEFENSE

(Statute of Limitations)

2. The Complaint is barred in whole or in part by applicable statutes of limitation.

THIRD AFFIRMATIVE DEFENSE

(Failure to Mitigate Damages)

3. Plaintiff failed to mitigate the damages alleged in the Complaint. They allow movies to rack up in all their cases, without providing a warning after they are aware of the first download. They do this to increase their damages.

FOURTH AFFIRMATIVE DEFENSE

(Unclean Hands)

4. Plaintiff's claims are barred by plaintiff's own misconduct and inequitable actions. Defendants allege on information and belief that Plaintiff seed the torrents with their films.

FIFTH AFFIRMATIVE DEFENSE

(Causation)

5. Although the Complaint is groundless and without merit, if the court finds there is a contestable issue, plaintiff is barred from recovery herein in that the conduct of plaintiff and other persons unknown to this answering defendant,

1 constituted a supervening, intervening cause of the damages, injuries and losses
2 allegedly sustained by plaintiff.

3 **SIXTH AFFIRMATIVE DEFENSE**

4 **(Authorization and Consent)**

5 6. Defendants are informed and believe and thereon allege that plaintiff
6 and/or her predecessor in interest authorized and consented to the acts and conduct
7 of defendants, and that plaintiff is thereby precluded from maintaining this action, or
8 obtaining judgment herein against these defendants. To wit, Defendants post free
9 videos online.

10 WHEREFORE, defendants pray for judgment as follows:

- 11 1. For judgment in favor of defendants and against plaintiff, dismissing
12 plaintiff's Complaint with prejudice;
- 13 2. For all costs incurred herein;
- 14 3. For attorney's fees;
- 15 4. For such further relief as the Court in its discretion deems just,
16 equitable and proper. Defendant seeks a jury trial.
- 17 5. For a finding that there was no infringement
- 18

19 RESPECTFULLY SUBMITTED

20 DATED this 1st day of October, 2024.

21 **THE LAW OFFICES OF STEVEN**
22 **VONDRAN, P.C.**

23
24 By /s/ Steve Vondran
25 Steven C. Vondran, Esq.
26 *Attorneys for IP 98.208.18.90*
27
28

CERTIFICATE OF SERVICE

ORIGINAL of the foregoing *e-filed* this
1st day of October 2024, to all registered ECF users:

Law Offices of Lincoln Bandlow, P.C.
1801 Century Park E. Suite 2400
Los Angeles, California 90067
Attn: Lincoln Dee Bandlow, Esq.
Email: lincoln@bandlowlaw.com

Executed on October 1, 2024, at Phoenix, Arizona

By: /s/ Lisa Vondran
Lisa Vondran, Assistant